

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NELSON OSEMWENGIE,

Defendant.

Case No. 2:22-cr-00275-APG-NJK

**ORDER**

**ORDER**

Based on the pending Stipulation of counsel, and good cause appearing therefore, the Court finds that:

1. Counsel for the Government will be out of the district from July 1, 2023 through July 5, 2023. The Government therefore needs additional time to prepare for the preliminary hearing, including subpoenaing witnesses to appear and testify as necessary

2. Defendant NELSON OSEMWENGIE is in custody and does not object to the continuance.

3. The parties agree to the continuance.

4. Additionally, denial of this request for continuance could result in a miscarriage of justice.

5. The additional time requested herein is not sought for purposes of delay, but to allow the government sufficient time to prepare.

6. The additional time requested by this stipulation, is allowed, with the defendant's consent under the Federal Rules of Procedure 5.1(d).

7. This is the first request for a continuation of the preliminary hearing.

1 For all of the above-stated reasons, the ends of justice would best be served by a  
2 continuance of the preliminary hearing date.

3 **CONCLUSIONS OF LAW**

4 The ends of justice served by granting said continuance outweigh the best interest of the  
5 public and the defendant, since the failure to grant said continuance would be likely to result in  
6 a miscarriage of justice, would deny the parties herein to potentially resolve the case prior to  
7 indictment, and further would deny the parties sufficient time and the opportunity within which  
8 to be able to effectively and thoroughly prepare for the preliminary hearing, taking into account  
9 the exercise of due diligence.

10 The continuance sought herein is allowed, with the defendant's consent, pursuant to  
11 Federal Rules of Procedure 5.1(d).

12 **ORDER**

13 IT IS THEREFORE ORDERED that the preliminary hearing currently scheduled for  
14 July 5, 2023, at 1:30 p.m., be vacated and continued to July 11, 2023, at the hour of 11:00 a.m.  
15 in Courtroom 3D.

16 DATED this 3rd day of July, 2023.

17   
18 THE HONORABLE ELAYNA J. YOUCHAH  
19 UNITED STATES MAGISTRATE JUDGE  
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